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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,751	06/21/2001	Anthony J. Baerlocher	401961	6700

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SEYFARTH SHAW
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

EXAMINER

CAPRON, AARON J

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/02/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,751

Applicant(s)

BAERLOCHER ET AL.

Examiner

Aaron J. Capron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is a response to the Amendment received on January 28, 2003, in which claim 3 was amended, claims 13-15 were added, and claims 8-12 were cancelled. Claims 1-7 and 13-16 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al. (U.S. Patent No. 6,004,208; hereafter "Takemoto").

Takemoto discloses a method of playing a game comprising the steps of providing a payline display having a plurality of display segments being a predetermined number of indicia (Figure 26A-27D); providing a player a spin/stop button (game stop switches 109); enabling the player spin/stop button for a first time; depressing the button to cause at least some of the display segments to spin, wherein one or more, but not all, of the plurality of display segments stop spinning after the enabled the button is depressed for the first time; enabling the spin/stop button for a second time; and depressing the enabled button for the second time to cause some of the display segments to stop spinning (Figures 9-10 and 5:53-58:some of the reels may stop due to a predetermined time lapse while other reels can still be stopped using the stop button).

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Referring to claims 2 and 4, Takemoto discloses the player providing a wager prior to starting the game. A player can place a wager after the first game and before the second game.

Claims 15-16 correspond in scope to a method of playing a casino game set forth for use of the method of playing a game listed in the claims above and are encompassed by use as set forth in the rejection above. The examiner views that the first button does not preclude the use of a plurality of buttons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto et al. (U.S. Patent No. 6,004,208; hereafter "Takemoto") in view of Lowden (U.S. Patent No. 5,630,586).

Referring to claims 5-6 and 13-14, Takemoto discloses a method of playing a game comprising the steps of providing a payline display having a plurality of display segments being a predetermined number of indicia (Figure 26A-D); providing a player a spin/stop button (game stop switches 109); enabling the player spin/stop button for a first time; depressing the button to cause at least some of the display segments to spin, wherein one or more, but not all, of the plurality of display segments stop spinning after the enabled the button is depressed for the first time; enabling the spin/stop button for a second time; and depressing the enabled button for the

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second time to cause some of the display segments to stop spinning (Figures 9-10), but does not disclose having a dealer to provide the step of enabling the buttons. However, Lowden discloses a method of playing a gaming machine at a table game apparatus wherein the player can bet on a dealer enabled player selected spin at the game in order to win prizes wherein the dealer performs the steps of enabling the player to push use the buttons a plurality of times (4:61-65). One would be motivated to combine the references since Lowden discloses combining a gaming machine into a table type setting where a plurality of players can play the game together and this would allow the players to control the multiple spinning reels on the table. This form of a table game would attract players who normally would not play a slot machine type game and would attract players who would not normally play a table game (1:65-2:4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the gaming table feature of Lowden's into Takemoto's gaming system in order to allow players to play the game together and therefore generate more interest in the game.

Referring to claim 3, Takemoto and Lowden disclose placing an additional step of placing an ante wager prior to the player enabling the spin button, the stop button and after enabling the button for the first time (Lowden 1:46-56).

Referring to claim 7, Takemoto and Lowden disclose that a proposition bet can be made (5:14-31).

Claims 13-14 correspond in scope to a method of playing a table game set forth for use of the method of playing a game listed in the claims above and are encompassed by use as set forth in the rejection above.

Response to Arguments

Applicant's arguments filed January 28, 2003 have been fully considered but they are not persuasive.

Applicants argue that the combination of Takemoto and Lowden does not disclose using a stop button and that Takemoto's stop button will not be enabled for a second time. The standard of patentability is what the combination of prior art taken as a whole at a time prior to the invention suggests to the artisan. In this case, Takemoto discloses at least one switch 109 wherein the switch can stop its respective reel. This would enable a player to use the stop buttons for a first reel, a second stop button for a second reel and a third stop button for the final reel. The user starts the game and the first reel starts spinning and the player pushes the first stop button to stop the reel. The next reel is started and accordingly the second button is enabled and the player can either push the second button or let the reel time out (Figures 10-11 and 9:51-10:11). Therefore, the claimed invention does not preclude a gaming system having a plurality of stop buttons each for stopping its respective reel. Thus, the claim language fails to preclude the gaming system suggested by the combination of Takemoto and Lowden as having multiple stop buttons each stopping their respective reel whereby a depressing the spin/stop button 109 for a second time is to stop another reel.

Applicant further remarks that combination of Takemoto and Lowden will not result in claimed invention. The examiner respectfully disagrees. The claimed language does not require the same button being depressed a second time where there are respective spin/stop button provided for each of a plurality of reels. Finally, Applicant's remark that each player would have (i.e. operate) a separate stop switch is unfounded. Inarguendo, Takemoto provides a stop

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switch for each respective reel so a player may provide input in belief of being in some control of final outcome thereby. Thus, the combination of Lowden with Takemoto's stop buttons allows a player perception of some control of final outcome.

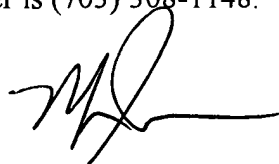
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc
April 3, 2003



MARK SAGER
PRIMARY EXAMINER